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IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS RELATED TO ASSISTANCE TO THIRD STATES AFFECTED BY THE APPLICATION OF SANCTIONS UNDER CHAPTER VII OF THE CHARTER

Working paper submitted by Bolivia, Bulgaria, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Malta, Mauritania, Mongolia, Mozambique, Nicaragua, Panama, Paraguay, Republic of Moldova, Romania, Ukraine and Uruguay

The General Assembly,

Recognizing that the imposition of sanctions against a State under Chapter VII of the Charter of the United Nations may require the joint efforts of Member States to offer assistance to third States economically affected by the sanctions,

Recalling Article 49 of the Charter of the United Nations, which spells out the obligation of the Member States to join in affording mutual assistance in carrying out measures decided upon by the Security Council in conformity with Chapter VII of the Charter,

Recalling also the special responsibility of the Security Council under Article 50 of the Charter, which entitles States which find themselves confronted with special economic problems as a result of the carrying out of preventive or enforcement measures taken by the Security Council against any other State, to consult the Security Council with regard to a solution of those problems.

Welcoming the recommendation of the Secretary-General in his report entitled "An Agenda for Peace" (A/47/277-S/24111) that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties; such measures would be a matter of equity and a means of encouraging States to cooperate with decisions of the Council,

Noting also:

(a) That the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

(b) Its resolution 47/120 of 18 December 1992 entitled "An Agenda for Peace, preventive diplomacy and related matters", in which it decided to continue early in 1993 its examination of other recommendations contained in the Secretary-General's report entitled "An Agenda for Peace", including implementation of the provisions of Article 50 of the Charter of the United Nations,

(c) The statement made by the President of the Security Council (S/25036), in which the Security Council expressed its determination to consider this matter further,

Recognizing that third States are still confronted with adverse economic and social problems due to the imposition of sanctions under Chapter VII,

Recognizing also the need for an appropriate mechanism and procedures to address these problems,

Decides to establish a fund, consistent with relevant resolutions of the Security Council, to financially assist third States affected by the imposition of sanctions under Chapter VII, according to the following regulations:

1. Contributions to the fund shall be of two main kinds:

(a) A percentage of assessed contributions;

(b) A special account established for this purpose to be administered by the Secretary-General. Such an account will be financed from voluntary contributions by Member States, and from funds available to international organizations both inside and outside the United Nations system, in particular the international financial institutions and the regional development banks, as well as non-governmental organizations and private institutions and individuals;

2. Invites the Secretary-General to prepare draft guidelines on the operation of the fund and to present these guidelines to the Security Council and the General Assembly for further consideration and adoption;

3. Resources should be utilized to provide direct financial assistance, inter alia, through bilateral or multilateral credit lines as well as to finance technical cooperation programmes in support of the affected countries, in the context of Article 50;

4. All other types of support, including direct assistance in cash or in kind, provision of alternative sources of supply and alternative markets, specific commodity purchase agreements, compensatory adjustments of international tariffs, assistance for promotion of investments and technical cooperation to the affected countries, should be encouraged;

Further requests the Security Council to consider preparing a set of guidelines and or procedure to be applied in the consideration of the applications by the affected countries for assistance, in the context of Article 50. The guidelines may include, inter alia:

- The right to approach the Security Council for assistance;

- Consideration, without exception and undue delay, of all applications for assistance under Article 50;

- Rendering non-preferential and fair treatment to all applications;

- Inviting the affected Member States to its meetings and to the meetings of its subsidiary bodies;

Requests the Secretary-General to report on a regular basis about the implementation of the present resolution.